

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 11, 2005

DIVISION THREE

B172723 Charles Flanagan (Not for Publication)
 v.
 Wanda D. Clemmons

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B173047 People (Not for Publication)
 v.
 Nash

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B171105 People (Not for Publication)
 v.
 Reyes

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

March 11, 2005 (Continued)

DIVISION THREE (Continued)

B162631 People (Not for Publication)
v.
DeVault, et al.

The judgments are modified as follows. As to DeVault, the concurrent section 12022.53, subdivision (b) and (c) enhancements on counts 4 and 5 shall be stayed. As to Jones, section 12022.53, subdivision (b) and (c) enhancements are to be imposed and stayed as to count 2, and as to counts 4 and 5 the 20-year enhancements under 12022.53, are imposed under subdivision (c), not subdivision (d). As modified, the judgments are affirmed.

DeVault's abstract of judgment shall be corrected to show, as to count 2, that the 20-year enhancement under section 12022.53, subdivision (c), was stayed, not imposed, and that there was no true finding on the section 186.22 gang enhancement. Jones's abstract of judgment shall be corrected to show the 20-year enhancement under section 12022.53, subdivision (c), was stayed, not imposed, and that the 20-year firearm use enhancements on counts 4 and 5 were imposed under section 12022.53, subdivision (c).

The trial court is directed to prepare amended abstracts of judgments reflecting these modifications and corrections, and to forward the amended abstracts of judgments to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Hastings, J., Curry, J., Grimes, J. (Assigned), White, J. (Assigned) and V. Guzman, Deputy Clerk.

DIVISION FOUR (Continued)

Each of the following:

B169577 Ekizian et al. v. Louthan
B172141 Love et al. v. Co. of Los Angeles et al.
B175599 People v. Moghim
B175335 People v. Tave
B174323 DCFS v. Lakeitha W. and Samuel L.
B175545 DCFS v. Sandra J.
DCFS v. Lillian S.

Argument waived, cause submitted.

B176243 Department of Children and Family Services
 v.
 Scott S. and Greta M.

Merits:

Argued by Nancy O. Flores for appellant Scott S.; by Kimberly A. Knill for appellant Greta M. and by Jerry M. Custis, deputy county counsel for respondent. Cause submitted.

B177615 People
 v.
 Jacobo

Merits:

Argued by Kenneth Kahn for appellant and by Steven D. Matthews, deputy attorney general for respondent. Cause submitted.

B171613 American International Specialty Lines Insurance Company et al.
 v.
 Westchester Fire Insurance Company

Merits:

Argued by James P. Wagoner for appellants and by James C. Parker for respondent. Cause submitted.

DIVISION FOUR (Continued)

B172738 Leight
 v.
 Schwartz

Merits:
Argued by Peter W. Ross for appellant and by Thomas Paine Dunlap for respondent. Cause submitted.

B175093 Mariscal
 v.
 Employee Relations Board et al.

Merits:
Argued by Dan Mariscal in propria persona and by Chike G. Onyia for respondents. Cause submitted.

B167707 Takaesu
 v.
 Computer Sciences Corporation

Merits:
Argued by Lloyd C. Ownbey, Jr. for appellant and by Amber M. Spataro for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Hastings, J., Curry, J., Grimes, J. (Assigned), White, J. (Assigned) and S. Veverka, Deputy Clerk.

DIVISION FOUR (Continued)

B172141 Love et al.
v.
County of Los Angeles et al.

Merits:
Argued by Suzanne E. Rand-Lewis for appellants, Syna N. Dennis for respondent County of Los Angeles, Allan H. Keown for respondent California Department of Education, and by Douglas Lyon for respondents Office of Education, et al. Cause submitted.

B171307 Kerry
v.
City of West Covina

Merits:
Argued by Patrick A. Mesisca for appellant and by Michael J. Bononi for respondent. Cause submitted.

B175647 Astacio
v.
Astacio

Merits:
Argued by Ronald W. Anteau for appellant and by John M. Gantus for respondent. Cause submitted.

B175069 Anandan et al.
v.
Singapore Airlines Limited et al.

Merits:
Argued by William J. Jovan for appellants; by Roderick D. Margo for respondent Singapore Airlines, LTD.; by Ronald A. McIntire for respondent The Boeing Company and by Alan H. Collier for respondent Goodrich Corporation. Cause submitted.

Court adjourned.

DIVISION FIVE

B174452 Dennis Johnston (Certified for Publication)

v.

Brian Corrigan et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J. (Assigned)

DIVISION SIX

B173302 Jones et al.

v.

Union Bank of California

Filed order modifying opinion and certifying the opinion for publication.
Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B179784 Seigel (Not for Publication)

v.

Superior Court, Los Angeles County

(Mercantile Investment Advisors, Inc., r.p.i.)

The petition is granted. The trial court is ordered to (1) vacate its order of October 22, 2004, denying Benjamin S. Seigel's motion for leave to designate Steven G. Small as an expert trial witness, and (2) issue a new order granting the motion to designate this expert witness. Petitioner is to recover his costs.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

DIVISION EIGHT (Continued)

B173332 People (Not for Publication)
v.
Ramirez

We modify the judgment to strike rather than stay the two section 667.5, subdivision (b) enhancements. As so modified, the judgment is affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B168361 Vielmette, Jr. (Not for Publication)
v.
Vielmette

The probate court's order on Joseph, Jr.'s Application under Probate Code section 21320 is reversed to the extent it determined the first claim for relief in the proposed Petition would trigger the no contest clause in the original trust. The order is otherwise affirmed. The case is remanded to the probate court to modify its decision and enter a new order consistent with the result herein. The parties are to bear their own costs of appeal.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

March 11, 2005 (Continued)

DIVISION EIGHT (Continued)

B170113 People (Not for Publication)
v.
Tabizon

We modify the judgment to strike rather than stay the section 667.5, subdivision (b) enhancement. As so modified, the judgment is affirmed and the petition for habeas corpus is denied. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B171770 People (Not for Publication)
v.
Conlin

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.